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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,560	11/10/2003	Jang Don Choi	11037-142-999	5484
24341	7590	06/29/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306				TSIDULKO, MARK
ART UNIT		PAPER NUMBER		
		2875		

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/705,560	CHOI, JANG DON
	Examiner Mark Tsidulko	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>111003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The Abstract of the disclosure is objected to because of using claim language:
“comprises” (lines 2 and 8) should be changed to “has”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albou (US 6,897,459) in view of Ohshio (US. 2001/0028566).

Referring to Claim 1 Albou discloses (Fig.1) infrared light unit for a vehicle having a bulb [105] and movable infrared filter [300] disposed in the housing, and being allowed to obtain a first position where the infrared filter screens the bulb and a second position where the infrared filter does not screen the bulb for a high and a low beams.

While Albou does not disclose unit for on/off operation of the bulb, it is well known in the art, that headlamps of the vehicles always include on/off switch which is operated by the vehicle's driver.

Albou discloses the instant claimed invention except for the structure of the actuating device for the movable filter.

Ohshio discloses (Fig.2) a vehicular headlamp having a shade [22] rotated between two positions and actuating mechanism that allows to obtain the rotation including an elastic member [38] and solenoid [34].

Referring to Claim 2 Albou discloses the instant claimed invention except for a solenoid actuator.

Ohshio discloses (Fig.2) a solenoid actuator [34].

Referring to Claim 3 Albou discloses the instant claimed invention except for that the elastic member is a coil spring.

Ohshio discloses (Fig.2) a coil spring [38].

Referring to Claim 4 Albou discloses the instant claimed invention except for that spring provides connection such that the filter locates in the second position.

Ohshio discloses (Fig.2) a coil spring [38] provided the connection such that the filter locates in the second position (shown by double-dashed line).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the actuating device, as taught by Ohshio, for the device of Albou, in order to obtain rotation of the filter between two positions.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albou (US 6,897,459) in view of Ohshio (US. 2001/0028566) and Schaffer et al. (US 6,281,631).

Referring to Claim 5 Albou discloses (Fig.1) infrared light unit for a vehicle having a bulb [105] and movable infrared filter [300] disposed in the housing, and being allowed to obtain

a first position where the infrared filter screens the bulb and a second position where the infrared filter does not screen the bulb for a high and a low beams.

While Albou does not disclose unit for on/off operation (actuating device control signal) of the bulb, it is well known in the art, that headlamps of the vehicles always include on/off switch which is operated by the vehicle's driver.

Albou discloses the instant claimed invention except for the structure of the actuating device for the movable filter, a high beam control circuit, a switching device and a fault determination device.

Ohshio discloses (Fig.2) a vehicular headlamp having a shade [22] rotated between two positions and actuating mechanism that allows to obtain the rotation including an elastic member [38] and solenoid [34].

Schaffer et al. disclose a high beam control circuit, a switching device to perform on/off operation (col. 4, lines 1-4) and a fault determination device (col.1, lines 47-52). It is understood, that high beam control circuit is selectively ("on" or "off") connected to an external circuit, otherwise, the control circuit can be operated.

Referring to Claim 6 Albou discloses the instant claimed invention except for controlling the switching device by fault determination device.

Schaffer et al. disclose a determination device controlling a switching device (col.1, lines 62-67; col.2, lines 1-9; col.4, lines 20-32).

Referring to Claim 7 Schaffer et al. disclose a relay switch (col.2, lines 56-59).

Referring to Claim 8 it is well known in the art, that headlamps of the vehicles always include on/off switch, which is operated by the vehicle's driver.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the actuating device, as taught by Ohshio, for the device of Albou, and a beam control circuit and a fault determination device, as taught by Schaffer et al., in order to operate the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2875

M.T.

June 8, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER